

COUNCIL

AGENDA

FEB 18, 1974

R Searle 925

THE CORPORATION OF THE CITY OF MISSISSAUGA

A G E N D A
C O U N C I L

Monday,
February 18, 1974,
9:00 a.m.



THE LORD'S PRAYER

MINUTES OF COUNCIL MEETINGS FEBRUARY 4th and 8th, 1974

DEPUTATIONS:

✓ MR. DOUGLAS CAMPBELL - RE TAXI INDUSTRY

✓ MR. RUSS RAYMER - APPLEHILLS HOMEOWNERS ASS'N

MRS. M. BAZANY - RE: PROPOSED PORT CREDIT
SAILING CLUB

COMMUNICATIONS

Mr. Parker - A
Mr. Kelly - R. taxi license

PETITIONS

TENDERS

PROJECT REPORTS

✓ COMMITTEE REPORTS: GENERAL COMMITTEE REPORT FEBRUARY 8, 1974

FINISHED BUSINESS

MOTIONS

BY-LAWS

NOTE: It is necessary to enact the following borrowing by-laws due to change of Bankers for the City of Mississauga. The corresponding by-law, passed by the Council of the Town of Mississauga, to provide for temporary financing through the Royal Bank of Canada, is being repealed by Section 2 of the new by-law.

- #59-74 A By-law to authorize the temporary borrowing of \$130,000. pending the issue and sale of debentures. (Approved by O.M.B. Order H 5421, dated June 9, 1972, to provide for construction of sanitary sewers on Mazo, Crescent, Ravine Drive, etc.)

THREE READINGS

- #60-74 A By-law to authorize the temporary borrowing of \$293,000.00 (of which \$211,000. is to be debentured) pending the issue and sale of debentures. (Approved by O.M.B. Order E 733, dated January 31, 1973, to provide for construction of storm sewers in Bob-Clare Industrial Subdivision.)

THREE READINGS

- #61-74 A By-law to authorize the temporary borrowing of \$175,900.00 (of which \$215,400. is to be debentured) pending the issue and sale of debentures. (Approved by O.M.B. Order E 731126, dated Aug. 16, 1973, to provide for widening of Hurontario Street from North Service Road to C.P.R. Overpass.)

THREE READINGS

- #62-74 A By-law to authorize the temporary borrowing of \$350,000.00 (of which \$175,000.00 is to be debentured) pending the issue and sale of debentures. (Approved by O.M.B. Order E 731862, dated Dec. 3, 1973, to provide for acquisition of property at the north west corner of the intersection of Hurontario Street and Dundas Street.)

THREE READINGS

- #63-74 A By-law to authorize the temporary borrowing of \$210,000. pending the issue and sale of debentures. (Approved by O.M.B. order E 73-034, dated the 11th day of April, 1973, to provide for construction of sanitary sewers on Pineneedle Row, Sir Richard's Rd., Courier Lane and easement.)

THREE READINGS

BY-LAWS (Cont'd)

- #64-74 ✓ A By-law to authorize the temporary borrowing of \$220,000. pending the issue and sale of debentures. (Approved by O.M.B. Order E 73-306, dated 11th of April, 1973, for construction of sanitary sewers Mindemoya Road, Jarvis Street, Robinson Street, Proudfoot Street, Adamson Street, Thompson Street, and Dundas Crescent.)

THREE READINGS

- #65-74 ✓ A By-law to authorize the temporary borrowing of \$170,000. pending the issue and sale of debentures. (Approved by O.M.B. Order E 73-305, dated April 11, 1973, to provide for construction of sanitary sewers on Ruscombe Close, Birchwood Drive, Sayers Road and Clarkson Road.)

THREE READINGS

- #66-74 ✓ A By-law to authorize the temporary borrowing of \$225,000. pending the issue and sale of debentures. (Approved by O.M.B. Order E 73-302, dated April 11, 1973, to provide for construction of sanitary sewers on Dickson Road, Dickson Park Crescent and on walkway and on easement across H.E.P.C. right-of way from Dickson Park Crescent to Premium Way.)

THREE READINGS

- #67-74 ✓ A By-law to authorize the temporary borrowing of \$220,000. (of which \$158,000. is to be debentured) pending the issue and sale of debentures. (Approved by O.M.B. by Order E 73245, dated April 9, 1973, for construction of sanitary sewers on North Sheridan Way, Stonehouse Crescent, Shawanaga Trail, etc.)

THREE READINGS

- #68-74 ✓ A By-law to authorize the temporary borrowing of \$110,000. pending the issue and sale of debentures. (Approved by O.M.B. Order E 73576, dated May 29, 1973, for construction of sanitary sewers in the Owenwood Drive Area.)

THREE READINGS

- #69-74 ✓ A By-law to authorize the temporary borrowing of \$166,250.00 pending the issue and sale of debentures. (Approved by O.M.B. Order E 731470, dated August 31, 1973, for construction of sanitary sewers in Zetland Industrial Subdivision.)

THREE READINGS

BY-LAWS (Cont'd)

- #70-74 ✓ A By-law to authorize the temporary borrowing of \$395,352.50 pending the issue and sale of debentures. (Approved by O.M.B. Order E 731471, dated August 31, 1973, for construction of storm sewers in Zetland Industrial Subdivision.)

THREE READINGS

- #71-74 ✓ A By-law to authorize the temporary borrowing of \$408,000. (of which \$290,195. is to be debentured) pending the issue and sale of debentures. (Approved by O.M.B. Order E731472, dated Sept. 13, 1973, for construction of roads in Zetland Industrial Subdivision.)

THREE READINGS

- #72-74 ✓ A By-law to authorize the temporary borrowing of \$121,612.50 (of which \$102,612.00 is to be debentured) pending the issue and sale of debentures. (Approved by O.M.B. Order E 732053, dated Dec. 24, 1973, for construction of storm sewers in Fanto Industrial Subdivision.)

THREE READINGS

- #73-74 ✓ A By-law to authorize the temporary borrowing of \$242,000. (of which \$191,567. is to be debentured) pending the issue and sale of debentures. (Approved by O.M.B. Order E732052, dated Dec. 24, 1973, for construction of roads in Fanto Industrial Subdivision.)

THREE READINGS

- #74-74 ✓ A By-law to authorize the temporary borrowing of \$123,000. pending the issue and sale of debentures. (Approved by O.M.B. Order E732290, dated Dec. 24, 1973, for construction of storm sewers in Kamato Industrial Subdivision.)

THREE READINGS

- #75-74 ✓ A By-law to authorize the temporary borrowing of \$415,000. (of which \$340,024. is to be debentured, pending the issue and sale of debentures. (Approved by O.M.B. Order E732280, dated Dec. 24, 1973, for construction of roads in Kamato Industrial Subdivision.)

THREE READINGS

BY-LAWS (Cont'd)

#76-74 ✓

A By-law to authorize execution of an agreement for municipal purposes. (This agreement covers Contract P.N. 73-109 (Construction of services in J.D. S. Phase II Industrial Subdivision) awarded by resolution #57 on February 4, 1974, to En-San Contractors Ltd. in the amount of \$101,245., this being the lowest tender received.)

THREE READINGS

#77-74 ✓

A By-law to establish certain lands as part of the municipal highway system. (This by-law establishes lands in the Frasset-Kamato Industrial subdivision (South of Highway #401 and west of Dixie Road) as part of the highway system - Ambler Drive, Kamato Road and Aerowood Drive. These lands were deeded to the Town of Mississauga in accordance with conditions of the Engineering Agreement.)

THREE READINGS

#78-74 ✓

A By-law to accept a Deed of Land and execute a Grant of Easement. (Both the Deed of Land and Easement are requirements of the Committee of Adjustment re application for Division of Land for Procyon Developments Ltd. (Files CAB 189/73 and CAB 193/73. These lands are located in Pt. Lot 21, Con. 1 N.D.S. - South side of Burnhamthorpe Road W., east of Wolfedale Road.)

THREE READINGS

#79-74 ✓

A By-law to authorize the execution of an Engineering Agreement between Procyon Developments Ltd. and The Corporation of the City of Mississauga. (The City Engineering Department has advised that all engineering requirements have been complied with. South side of Burnhamthorpe Road, east of Wolfedale Road.)

THREE READINGS

#80-74 ✓

A By-law to authorize execution of a Release. (This releases the owner from clauses in the original Deed whereby a building must be constructed on the lands within 12 months from date of purchase. Requirements contained in the deed have been met. Rifle Range Industrial Land. This is as recommended in Item #53, General Committee Report of January 25, adopted by Council on February 4, 1974.)

THREE READINGS

BY-LAWS (Cont'd)

#81-74 ✓

A By-law to authorize the execution of an Agreement of Purchase and Sale. (Fraba Property immediately west of the Cooksville Fire Hall - north side of Dundas Street, east of Highway #10. This is as recommended in Item #50, General Committee Report January 25, adopted by Council on February 4, 1974.)

THREE READINGS

#82-74 ✓

A By-law to authorize the execution of a Housekeeping Agreement between Pastoria Holdings Limited and The Corporation of the City of Mississauga. (This is the normal housekeeping agreement for commercial properties. File OZ-65-69- north east corner of Brandon Gate Drive and Netherwood Road in the Malton Area.)

THREE READINGS

MOTIONS

NOTICES OF MOTION

OTHER BUSINESS

CONFIRMING BY-LAW

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BUILDING REPORT
JANUARY 1974

1

		Total to End of January 1974	Total to End of January 1973
Residential	\$	11,572,691.00	\$ 9,126,880.00
Commercial		670,574.00	829,500.00
Industrial		2,832,300.00	9,546,950.00
School		6,900.00	500.00
Church		-	-
Town		-	-
Governmental		29,000.00	79,000.00
		<hr/>	<hr/>
		\$ 15,111,465.00	\$ 19,642,830.00
		<hr/>	<hr/>

New Dwelling Units	528	824
Permits Issued	177	223
New Industrial Buildings	3	13
New Commercial Buildings	3	1

c.c. Fire Chief J.R. Miller
Chief D. Burrows
Messrs: R. Beach
G. Cooper
R. Edmunds
A. Spratt
F. Colin Westall

8

NEW INDUSTRIAL BUILDINGS

JANUARY - 1974

<u>OWNER</u>	<u>LOCATION</u>	<u>VALUE</u>	<u>SIZE</u>	<u>TYPE</u>
United Co-Operatives of Ontario.	6789 Kitimat Road	\$ 1,800,000.00	143,100 sq.ft.	Metal Siding
M. Simone & V. Guida.	2420 Drew Road.	200,000.00	20,920 sq.ft.	Masonry
Sherwin Homes.	5396 Maingate Drive.	585,000.00	88,500 sq.ft.	Masonry

3

RESIDENTIAL SUMMARY

JANUARY - 1974

Single	Semi Detached	Apartment Over Stores	Apartment Buildings	Row Dwellings	Multiple Horizontal Dwellings.
36	38	-	1 - 191 1 - 191 1 - 72	-	-

MULTI-RESIDENTIAL BREAKDOWN

APARTMENT BUILDINGS

<u>OWNER</u>	<u>LOCATION</u>	<u>VALUE</u>	<u>UNITS</u>
Lakeview Forest Dev.Ltd.	1515 & 1535 Lakeshore Rd.	\$3,435,000.00.	332
Derry Towers Limited.	7256-66 Airport Road.	900,000.00	72
		<u>\$3,335,000.00</u>	<u>454</u>

R

City of Mississauga

MEMORANDUM

To Mr. D.R. Turcotte,
City Clerk
Dept.

From Mr. E.M. Halliday,
Recreation and Parks
Dept.

February 6, 1974

Dear Sir:

Re: Tender TR 4 - 1974

The following is an outline of sod amounts and costs for 1973 versus 1974 for the Committee's information.

SOD

Amount budgeted in 1973

Supply only	20,000 sq.yds. @ .27 yd.	\$ 5,400.00
Supply and lay	25,000 sq.yds. @ .425 yd.	10,300.00
	TOTAL	\$15,700.00

Amount budgeted in 1974

Supply only	25,000 sq.yds. @ .30 yd.	7,500.00
Supply and lay only	30,000 sq.yds. @ .50 yd.	15,000.00
	TOTAL	\$22,500.00

Increase over 1973 - \$6,800.00

Actual cost per sq.yd. supplied only 1973	.249 sq.yd.	Increase
" " " " supplied and laid only 1973	.409 sq.yd.	
" " " " supplied only 1974	.369 sq.yd.	+ 12¢ sq.yd.
" " " " supplied and laid 1974	.509 sq.yd.	+ 10¢ sq.yd.

To remain within 1974 proposed budget, we reduced the amount supplied and laid from 30,000 sq.yds. to 26,000 sq.yds. which is 1000 sq.yds. in excess of 1973 budget. Amount supplied only for 1974 is increased from 20,000 sq.yds. to 25,000 sq.yds. to take care of 16 additional parks (Port Credit and Streetsville) plus 110 existing parks and 51 schools.

Yours very truly,

E.M. Halliday
E.M. Halliday,
Commissioner.

EMH:ww

City of Mississauga

MEMORANDUM

4a

To D. Turcotte, Clerk
City of Mississauga
Dept.

From E.M. Halliday,
Recreation and Parks
Dept.

February 4, 1974

Dear Sir:

Re: Supply and Laying of Sod
Tender TR4 - 1974

This tender is for the supply of sod and for supply and laying of sod by the Contractor for various maintenance repairs and renovations.

Supply of Sod only, minimum of 30,000 sq.yds.

Total budget \$22,500.00

Tenders were received from:

Zander Sod Co.Ltd. Toronto

Supply 25,000 sq.yds. only	\$.369 sq.yds.	\$ 9,225.00
Supply and lay 30,000 sq.yds.	.509 sq.yds.	<u>15,270.00</u>
		24,495.00

Evans Turf Farms, R.R.#1, Gormley

Supply 25,000 yds. only	.379 sq.yds.	9,475.00
Supply and lay 30,000 yds.	.78 sq.yds.	<u>23,400.00</u>
		32,875.00

We recommend that Tender TR 4 - 1974 be awarded to Zander Sod Co.Ltd. in the amount of \$22,495.00 for sod as follows:

Supply on 25,000 sq.yds.	\$ 9,225.00
Supply and lay 26,000 sq. yds.	<u>13,234.00</u>
	\$22,459.00

This being the lowest tender received.

Yours very truly,

E.M. Halliday
E.M. Halliday,
Commissioner.

EMH:ww

City of Mississauga

MEMORANDUM

To ALL MEMBERS OF COUNCIL
Dept.

From David R. Turcotte,
Dept. City Clerk

February 13, 1974.

Re: Committee of Adjustment
File: 32-74

We have been advised that the following appointments have been made by the Committee of Adjustment for the City of Mississauga:

R. Mortensen, Chairman

J. B. Keyser, Vice-Chairman

E. C. Law, Secretary-Treasurer

DAVID P. TURCOTTE,
City Clerk

DRT/d

The Regional Municipality of Peel

8th February, 1974.

Mr. David R. Turcotte,
City Clerk,
City of Mississauga,
1 City Centre Drive,
Mississauga, Ontario.
LSB 1M2



Dear Sir:

Re: Arosa Properties Limited - Appeal
to the Ontario Municipal Board
Board File No. R. 732030

You had sent to me a copy of a letter dated January 25th, 1974, from Mr. Saruyama of the Ontario Municipal Board mentioning that the Board had appointed Wednesday, the 6th March, 1974, at 10:00 a. m. in the Board's Chambers, for the hearing of a motion for directions with respect to the above appeal.

I have checked out this matter with Mississauga Planning Department and find that this involves property being part of Lots 31 and 32, Concession 2, S.D.S. lying within the Lakeshore Community Study. Mr. John Montague had submitted an application on behalf of Arosa by application dated October 3rd, 1973, to change the existing zoning of M1 and M2 to RM7D3 Special Section and 01.

This land is on the north side of Highway No. 122 having a depth of about 1,173 feet back to the Canadian Pacific Railway with a frontage of 562 feet and an area of approximately 20.5 acres.

I understand that Planning Board and Council has designated this land to remain as Industrial in the Lakeshore plan.

I would be prepared to represent Mississauga with regard to the hearing of this motion for direction

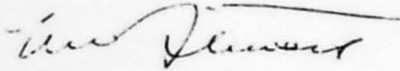
continued...

Page 2.

6A

or in the alternative you may wish to have Mr. John Conlin, Q.C., be instructed since he is involved in other developer applications to the Board with respect to the Lakeshore plan.

Yours very truly,



LWS/jalf

L. W. Stewart, Q. C.,
Regional Solicitor.

NOTE: O.M.B. NOTICE OF HEARING set for March 6, 1974, was received by Council at its meeting on February 4th at which time a verbal motion was made to request L. W. Stewart, Q. C., to represent the city in this matter.

D.R.T.



TOWN OF MISSISSAUGA

MEMORANDUM1

To ALL MEMBERS OF COUNCIL.....

From Councillor David Culham.....

Dept.

Dept. Ward 6.....

February 13, 1984.

Attached is a letter from Mrs. Partridge, 2487 Glengarry Road. It is indicated by the letter, the access road immediately adjacent to their home will create unnecessary hardship and inconvenience to which is not compensated by the City or the developer. In no way should these people have to experience discomfort at the expense of acceptable development in an adjacent area. For this reason, I am bringing this before Council to deal with immediately in the hope that other alternatives are possible at this early date.

I am proposing the following motion at resolution time:

BE IT RESOLVED that Commissioner Bodnar be directed to find an alternate access to the planned subdivision (plan Z1T 2187) which is immediately east of Glengarry Road, and that any access not be immediately adjacent to a private home.

Yours truly,

David Culham

attachment

RECEIVED
JAN 21 1974
Mr. & Mrs. C.P. Partridge
2487 Glengarry Road
Mississauga, Ontario
277-1136

7A

January 19, 1974

City of Mississauga
Municipal Offices
1 City Centre Drive
Mississauga, Ontario

Attention: Mr. D.R. Turcotte - Town Clerk

Dear Sir:

We are writing this letter in order to register formal protest to the proposed temporary access to allow development of subdivision plan 21T-21897.

This proposal came to my attention during studies I was conducting on development in this area for the Glensharon Residents Association of which I am President.

The proposal under present consideration is to use lot 18 Plan 21T-21897 and lot 17 Plan 880 in order to establish temporary access to the subdivision being planned by Credit Heights Ltd. on land East of Glengarry Road.

When we purchased lot 16 Plan 880 more commonly known as 2487 Glengarry Road it was with the understanding that a house would be constructed on lot 17. No mention was ever made at that time by the developer or builder that lot 17 was reserved for a temporary road. If that had been the case we would never have purchased the lot. Since the proposed subdivision will comprise 54 houses it will quite likely represent 2 years of construction time. This will create an intolerable situation for our family and we list our objections to the proposed temporary road as follows.

1. Our prime concern is potential danger to our family as well as neighbourhood children who use lot 17 as an access to the schools and Huron Park to the East.
2. Prolonged vibration of heavy equipment and trucks using the road so close to our house (8' off lot line between lot 16 & 17) will cause cracking of foundation and walls as well as potential rupture of natural gas and water pipes servicing our house.
3. Severe dust conditions from use of the temporary road will have an adverse effect on my wife who suffers from allergies, one of which is dust. Furthermore, due to these dust conditions we would be unable to keep windows open during summer time.
4. A temporary road through lot 17 will mean the total destruction of many mature trees.

continued.....

Page 2.....

City of Mississauga
Mr.D.R.Turcotte-Town Clerk

7B

5. Noise from the continuous passage of heavy equipment and trucks starting early in the morning and continuing to the evening 5 days per week plus Saturday will represent a definite hardship and invasion of privacy.
6. Constant turning of trucks and equipment only 65' from a stop street will represent a potential hazard and source of accidents as well as a disruption of traffic.
7. We will be forced to go to the expense of erecting a fence the full depth of our lot in order to prevent encroachment of vehicles onto our property.
8. In the event that we had to sell our house prior to completion of the subdivision and subsequent removal of the temporary road we would stand to lose considerable equity due to the house being in an undesirable location compared to other houses in the immediate vicinity.

We feel there are three potential solutions to this problem and they are listed in priority order as follows.

1. A legal and permanent access to this subdivision is planned directly opposite the Northern most entrance to Sharon Crescent. Therefore this access should be implemented prior to approval of this new subdivision.
2. Block "B" between 2559 & 2545 Glengarry Road owned by Mr.D.Northcott and Mr.S.J.Rideout respectively, was originally intended as a permanent road to the subdivision in question. Therefore there is sufficient room allowed between the two existing structures to take a temporary road. Furthermore the respective owners of these two properties purchased their homes knowing full well at the time that a road was proposed at that location and consequently should not be that much of a shock to them.
3. Credit Heights Ltd. arrange with Feildgate Development and Construction (plan T-22682) to have the temporary access located South of lot 17. Since this area is already under construction it represents no hardship to anyone. Furthermore there is an established access over a culvert (approx. 20 feet from South lot line of lot 17 Plan 880) that has been there for years.

We trust that you will direct this protest to the parties in the City offices immediately involved and that ~~proper~~ proper consideration will be given this problem. Looking forward to your earliest reply we are

Copies: D.J.Culham, Councillor Ward 6
D.Blenkarn M.P. Peel South

Yours truly
[Signature]
Mr.C.P.Partrige
Mrs.N.E.Partrige

TOWN OF MISSISSAUGA

MEMORANDUM

8

To ALL MEMBERS OF COUNCIL

From Councillor David C. Haas

Dept.

Dept. Ward

February 13, 1984.

Attached is a letter from Prof. McIlwraith, indicating a desire to have his students working the City Transportation Study Group.

I think it is a good idea, both for the City and the Students involved. It is only an extension of existing policies to implement this programme. There would be no pay involved and no disruption of staff. Copies of the letter were sent to staff.

At resolution time I will propose the following motion:

BE IT RESOLVED THAT arrangements be made, at no salary, for Martin Bindhardt and Carole Moore to be attached to appropriate Transportation offices of Mr. Rashid and Mr. Dowling.

/c

Attachment

2

8A

ERINDALE COLLEGE
UNIVERSITY OF TORONTO
1359 MISSISSAUGA ROAD
CLARKSON, ONTARIO

February 11th, 1974

Copy: I will retain this at Council

*York
Lab
Delling*

Mr. David Culham
Councillor, Ward 6
City of Mississauga
1 City Center Drive
Mississauga, Ontario

Dear Mr. Culham:

In our telephone conversation this morning, you agreed that one or both of the students involved in transportation studies at Erindale college might be able to visit in Appropriate Planning Offices in Mississauga. One student, Mr. Martin Bindhardt, is anxious to participate in the discussions leading to an overall network of transit service in Mississauga and would be available this coming week, February 18-22. The other student, Carole Moore has developed a wide knowledge of Dial-a-Bus operations during the past year. They both have indicated interest in a permanent job if any opening became available.

Since there is a matter of urgency with respect to Mr. Bindhardt, perhaps I need say no more at present and hope that specific arrangements may be made by telephone.

Many thanks for your interest.

Yours sincerely,

T. F. McIlwraith

Thomas F. McIlwraith
Assistant Professor

12

TFM:s

City of Mississauga

MEMORANDUM

9

To Mr. D. P. Turcotte, A.M.C.T.
City Clerk
Dept.

From Mr. L. M. McGillivray
Deputy City Clerk
Dept.

February 14th, 1974.

Dear Sir:

Re: File 8-74 - Library Board
File 2-74 - Appointments

At the meeting of the Recreation and Social Amenities Committee on Monday, February 11th, 1974, the following recommendations were made by that Committee with respect to Library Board appointments:-

"(a) Moved by R. A. Searle

That Mr. L. Boaretti be appointed to the Public Library Board.

CARRIED

(b) Moved by F. S. Kingsford

That Mr. Ian Ferguson be appointed to the Public Library Board.

CARRIED

(c) Moved by Anne Rigler

That Mr. John Brierley be appointed to the Public Library Board.

CARRIED"

In order to avoid any further delay in the appointments by Council to the Public Library Board, Councillor M. E. Gregory, Chairman of the Recreation and Social Amenities Committee, has requested these recommendations be submitted directly to Council at their regular meeting on Monday, February 18th, 1974.

It should be noted that one Member should be appointed for a three year term, one Member for a two year term and one Member for a one year term, however, the Recreation and Social Amenities Committee did not specify the term for each appointee.

Yours very truly,

L. M. McGillivray,
Deputy City Clerk.

LMM:le



Ontario

Ontario
Municipal
Board

416/965-1912

Form C-2

1231 Edward Street

Toronto, Ontario

MSG 1E5

Mr. W. H. Munden,
Municipal Clerk,
Town of Port Credit,
161 Lakeshore Road West,
PORT CREDIT, Ontario.
L5H 1G3

Quote File Number

A 73558

January 28th, 1974

RECEIVED
REGISTRY No. 402.
DATE JAN 31 1974
FILE No. 70-74
FILED BY 170-74
CLERK'S DEPARTMENT

Dear Sir

Re: Appeal by John William Walton -
Town of Port Credit CA - File
Number C.A.B. 4/73

Enclosed is a copy of the Decision of the Board
dated the 28th day of January, 1974, in
connection with the above-mentioned appeal.

Yours truly

:cp
Encl.

C. Saruyama
Supervisor
Planning Administration

7-10-109



A 73568

Ontario Municipal Board

IN THE MATTER OF Section 42 of
The Planning Act, (R.S.O. 1970,
c. 349) as amended

- and -

IN THE MATTER OF an appeal by
John William Welton from a
decision of the Committee of
Adjustment of the Town of Port
Credit

C O U N S E L :

G.J. Smith	- for John William Welton
I. Fefergrad	- for Paul Penna

DECISION OF THE BOARD delivered by D. JAMIESON

The land which is the subject of this appeal can be seen on the plan which was filed as Exhibit 1 in these proceedings and it is outlined in red and identified on this exhibit, as the subject property.

The evidence in this matter shows that the present owner who is the appellant in this matter purchased this land during the spring of the year 1973, and at the same time he acquired lands to the north of the subject property which are hatched by diagonal lines on this exhibit and identified as "other lands owned by Welglen Limited". The owner who preceded Mr. Welton was said to be one Blevins. Mr. Blevins had applied to the Committee of Adjustment for a consent to

sever the lands outlined in red as one parcel and this was granted. After Mr. Welton acquired the land he wished to separate the parcel shown outlined in red on the exhibit into two parcels as indicated on this same exhibit, and accordingly applied to the Committee of Adjustment for a consent to this. The particulars of the lots that would be created are shown on the application to the Committee of Adjustment in answer to Question 7. From this it can be seen that each of the proposed lots would have a frontage of 55 feet, more or less, and an average width of 70 feet, more or less. One lot would have a depth of 120 feet, and the other 140 feet and one lot would have an area of tableland of 6,300 square feet, the other lot 7,000 square feet, and from the evidence given at the hearing one lot would have a total area of 13,000 square feet, and the other 12,500 square feet. This area is within an R1 use district by the effective restricted area by-law of the municipality, and the proposed lots exceed the minimum requirements of the by-law in all respects.

The Committee refused to give its consent to this severance, giving as their decision -

"The Committee after due consideration rejected the application, as the planning of the area is incomplete. "

This appeal was then launched.

The evidence in support of the application shows that land has been conveyed to the municipality at the westerly end of Ben Machree Drive which is directly in front of the subject property to permit a turn-around at the end of the existing street. The municipality accepted this, and has installed services and paved the end of this cul-de-sac according to the evidence.

As can be noted from Exhibit 1, there is a subdivision identified as the Morningdew Subdivision which lies to the north of the lands owned by Welglen, and to the west of the projection of the rear lot lines of the lots abutting on the west side of Ben Machree Drive. There is some litigation in connection with this subdivision and as a result of this, no development has taken place.

The granting of this appeal was strongly opposed by a number of residents. I believe that their objections can be correctly summarized as follows:

1. The subject property is not suitable for the intended use, that is, the construction of two single family dwellings. However, some of those who objected stated that they felt that the land could properly be developed by one single family dwelling.

2. Strong opposition to the cutting of the trees was lodged. Apparently trees were cut so that the cul-de-sac at the end of Ben Machree Drive could be constructed, and additional trees were cut within the limits of the property outlined in red on Exhibit 1.

3. The development of the subject lands was opposed because of the fear that this was the first step in further house construction in the area and such further construction would involve the opening of a street which would lead from the north limit of the cul-de-sac at the end of Ben Machree Drive northerly to the southerly end of Street A in the Morningdew Subdivision. This was strongly opposed as apparently it was feared that this would increase the traffic flow in the area which it was maintained would be undesirable. Also, there would be the possibility that lands would be expropriated from other owners to provide for the allowance of such a street. This was objected to. Lastly, some owners feared that if such a street was opened, the owners of lots numbers 38 to 51, as shown on Exhibit 1, would be in a position to develop the westerly portions of their lot with dwellings facing onto the new street. All of these things were felt to be undesirable.

4. It was suggested that the present owner-appellant would be able to re-subdivide all of his lands in such a way that a large number of houses would be built and one objector mentioned the figure 10.

5. A great deal of evidence was submitted respecting the erosion of the shoreline which forms the southerly and south-westerly boundaries of these lands, and a number of photographs were filed as exhibits to show the effect of wave action on these properties. This condition, of course, has been aggravated recently because of the high water levels of Lake Ontario.

Several of the owners were of the opinion that this development should not be permitted until Mr. Welton had processed the plan of subdivision for his entire property.

Mr. Paul Penna, who objects to the granting of this appeal filed as Exhibit 3 an indenture, and on the second page of this, at the last paragraph, particulars appear of an easement extending through the subject land to the shore of Lake Ontario. A pipe is installed in this easement for the purpose of drawing water from Lake Ontario.

Another objection related to the size of the sites of many of the dwellings in this area. This has come about by owners acquiring more than one lot for a single dwelling, and some of these properties are stated to have frontages of 100 feet or more.

There was evidence as to the effect of the erosion and it was held that no further house construction should be permitted on lands which abut on Lake Ontario.

The Board has carefully considered all of the evidence, the arguments of counsel and the submissions of ratepayers in this matter. In reaching its decision the Board notes that the owner proposes to create two lots, each of which exceeds the minimum requirements of the restricted area by-law, and the evidence was that buildings could be sited on these lots in such a way as to comply with all the requirements of the by-law as to area and yards.

With respect to the cutting of trees, it appears that a part of this was done to permit the extension of the street in a manner acceptable to the municipal corporation. The balance of the trees were cut on the owner's property and it would appear that he had every right to do this.

Respecting the street which it was suggested could extend northerly from Ben Machree Drive, this is something that cannot be done without the approval of the municipality, and in any event, there is nothing before the Board at this time that involves the construction of such a street.

Respecting Mr. Penna's easement, it would appear that the proposed housing would be constructed in such a way as not to interfere with this easement.

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The Board has not concluded from the evidence that it is reasonable to withhold the development of the subject property as the owner proposes such development to comply in every way with the restricted area by-law of the municipality, and for this reason the appeal is allowed.

DATED at Toronto this 28th day of January, 1974.

D. JAMIESON
VICE-CHAIRMAN



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CHAIRMAN
The Hon. Mr. Justice John H. Osler

Task Force on
Legal Aid

416/965-7773

Suite 304
140 Queen St. West
Toronto Ontario
M5H 2N1

MEMBERS
Peter deC. Cory, Q.C.
Dr. Daniel G. Hill
Alexander Ross
Stanley Sadinsky
Mrs. Anne Scace
Geo. E. Wallace, Q.C.

COUNSEL
Ian Scott, Q.C.
EXECUTIVE SECRETARY
Marie Corbett

RECEIVED
FEB 1974

February 5th, 1974.

MAYORS OFFICE

THE CLERKS OF ALL CITIES AND TOWNS IN ONTARIO

This Task Force has been established by the Attorney General for the purpose of undertaking a complete review of the Ontario Legal Aid Plan. We are charged with the duty of advising on the adequacy of the Plan and making recommendations for changes and improvements if any turn out to be required.

In addition, we are interested in methods of funding and in ascertaining whether or not the best possible value is being given for the monies now being expended on the Plan.

We would like you to bring this bulletin to the attention of all members of your Council. As representatives of particular groups of citizens in Ontario, many of them will have had experience with the Plan which could be of great value to us.

We intend to hold hearings in Toronto during the month of March and in at least some of the larger cities including Ottawa, Sudbury, Thunder Bay, Hamilton, London and Windsor and others may very well be added.

If any counsellors wish to make either written or oral submissions, we hope they will let us know. In the case of oral representations, we should be glad to do whatever is possible to accommodate the wishes of individual counsellors regarding time and place for a presentation.

Your assistance will be much appreciated.

Yours truly,

JHO:dms

Chairman.

*Referral
Adm & Fin*



February 6, 1974.

Mr. D. R. Turcotte, A.M.C.T.,
City Clerk,
The Corp. of the City of Miss..
1 City Centre Drive,
Mississauga, Ontario.

Dear Mr. Turcotte:

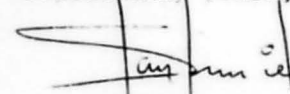
RE: File 30 - 74 Grants

Thank you for your letter of February 5, 1974. I wish to inform you that it is no longer necessary for you to concern yourself with the matter of my previous communication of January 7, 1974. I was recently notified by the Provincial chairman that the Contests at the District Level were to be discontinued this year.

I wish to apologize for any inconvenience stemming from my initial request and to sincerely thank you for your interest in and attention to the matter in question.

With kind regards, I remain,

Respectfully yours,



S. J. Chmiel,
Acting District Councillor,
Glenforest Secondary School,
3575 Fieldgate Drive,
Mississauga, Ontario,
L4X 2J6

LB

Mr. and Mrs. P. Christensen,
1376 Trotwood Ave.,
February 12, 1974.

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The Mayor,
City of Mississauga,
Mississauga, Ont.

Dear Dr. Dobkin:

We wish to express our concern regarding the proposed subdivision of 1416 Carmen Drive by John Welton. We are objecting for the following reasons:

- 1) the destruction of neighbourhood character resulting in both esthetic and economic disadvantages for the area residents.
- 2) irreplaceable natural beauty, which everyone has a right to enjoy, should have priority over the economic gains to be made by an influential, moneyed, and selfish elite. Political decisions are easily effected by this select few, and this unfortunately manifests itself in the cynical and apathetic attitudes of the public regarding its influence in local policies. (We would refer you to the decision made in the appeal of the residents of Ben Macree Drive versus Welton.)
- 3) increased costs will be needed to maintain the area.

Now that Mississauga is a city, it is essential that a positive environmental program be established in order to preserve existing natural areas and to control developmental planning. With the advent of our modern transient society, which reacts with indifference to the management of our community, we feel an obligation to take action against this proposal because we want to stay in this neighbourhood and we fear a future of poorly planned malignant growth with residential areas subdivided into minimum-sized lots. Developers buy parcels of property, squeeze their profits from it, and leave us to live with a view of houses crammed together. Can we allow this contamination to go on?

We would like to submit the following suggestions:

- 1) residents of a given area must be notified well in advance of any proposed changes in that neighbourhood before decisions can be made by the planning board.
- 2) councillors should be more receptive to the opinions of their constituents, and citizens on the planning board should be selected from volunteers representing interested citizens groups such as ratepayers associations, conservation groups etc. (ie. not as individual citizens appointed by a councillor and perhaps on the merits of his sympathetic views with that councillor.)

We know as a "reformist" mayor, you will give us your support in this matter.

Sincerely,

Paul Christensen
W. Lay Christensen

cc: City Council
Mr. Turcotte, City Clerk
Mr. Edmunds, Planning and Development Committee